



# Best Practices for Using Trans-Inclusive Language: A Bench Card

## Purpose

Everyone entering our courtrooms is entitled to be treated with dignity and respect. This bench card is a tool to help judges meet their obligations to perform their duties without bias or prejudice based on gender identity or expression and to ensure that everyone in their courtroom does the same.<sup>1</sup>

## Pronouns & Honorifics

The name and pronoun(s) we use for ourselves are a fundamental part of our identity. Addressing and referring to individuals by the name and pronouns they use is foundational to treating someone respectfully.

We use pronouns every day. Generally, pronouns are words that substitute for nouns. They include, but are not limited to:

- He/him/his
- She/her/hers
- They/them/theirs

When a party or attorney informs the court that they use “they” pronouns, the court may not require use of “he” or “she.”<sup>2</sup>

***TIP:** Some people may use a combination of pronouns (e.g., he/they). Not all transgender people use they/them pronouns.*

Some judges and justices use honorifics or titles to address litigants in their court. Honorifics often include Ms., Mr., Mrs., or Mx. (pronounced “mix”).

***TIP:** Some other gender-neutral honorifics include Counselor, Plaintiff, Defendant, ADA, AAG, etc.*

Examples: “This is my court attorney. She will observe proceedings”; “Judge Green went to his chambers”; “Officer Lopez will return to their post at 2:00 PM.”

## Learning What Pronouns/Honorifics Someone Uses

Ask everyone who appears before you how they would like to be addressed, including what pronouns and honorific(s) they use. Avoid asking only in situations where you are unsure of someone’s pronouns.

- Include as a standard part of appearances: “Please state your name and pronouns or honorifics for the record”
- Ask directly: “How would you like me to address you?” or “What pronouns or title do you use?”

***TIP:** Sometimes, you or someone else might use the wrong name or pronoun. Mistakes happen. Apologize briefly and move on using the correct pronoun. For example, “Petitioner will submit his—I’m sorry, her—reply within two weeks” or “The record reflects that petitioner uses they/them pronouns. Please refer to them accordingly.”*

1. 22 NYCRR [100.3](#) §§ (B) (3 - 5); see NY Rules of Professional Conduct (22 NYCRR [1200.0](#)) rule 8.4 (g) (1-2) (it is “misconduct” for a lawyer to engage in discrimination or harassment based on sexual orientation, gender identity, or gender expression).

2. Advisory Comm on Jud Ethics [Op 21-09](#) (2021).

## Helpful Terminology

This is not an exhaustive list.

**TIP:** *It is a best practice to use the language that individuals use to describe themselves.*

**Birth Name (noun):** The name given at birth that differs from a person's chosen name. It can be disrespectful and upsetting to use someone's birth name (see Deadname).

**Deadname (noun):** A term used by some people who have changed their name to reference the name given at birth (see Birth Name). It can be disrespectful and upsetting to use someone's deadname.

**Gender Identity (noun):** One's sense of self as male, female, a blend of both, or neither. It can be the same or different from their sex assigned at birth and may be consistent for their whole life or change over time.

**Gender Marker/Sex Designation:** The designation of a person's gender on official documents verifying their identify. Examples include birth certificates, driver's licenses, and passports. Gender Marker/Sex Designations include F, M, and X.

**TIP:** *Gender Markers may not be consistent on an individual's identity documents or accurately reflect their gender identity.*

**Gender Nonconforming (adj.):** A broad term referring to people who do not conform to traditional/societal expectations of gender. It includes people whose gender expression does not fit neatly into any one category.

**Genderqueer (adj.):** Describes a person whose gender identity and/or expression differs from cultural/societal expectations for their assigned sex, who does not identify as male or female, or who identifies as a combination of different genders. Some use genderqueer as an umbrella term.

**LGBTQ+ (adj.):** An acronym commonly used to refer to lesbian, gay, bisexual, transgender, and queer communities. Other variations include LGBT, LGBTQIA (referring to questioning, intersex, and asexual), and LGBTQIA2S+ (referring to two spirit).

**Misgendering (verb):** Attributing a gender to someone that is incorrect or does not align with their gender identity.

**Nonbinary (adj.):** Describes a person who does not identify solely as a man or a woman, but may identify as both, a combination, or neither. Many nonbinary individuals also identify as transgender, but some do not. Someone may also use "NB" or "enby" to refer to nonbinary.

**Transgender (Trans) (adj.):** An umbrella term for people whose gender identity and/or expression differs from cultural expectations based on their assigned sex. Being transgender does not imply any specific sexual orientation. A transgender man typically identifies as a man and a transgender woman typically identifies as a woman.

**Transitioning (verb):** The processes by which an individual changes from one gender to another. There are three general aspects to transitioning: social (e.g., name, pronouns, attire), medical (e.g., hormones, surgery), and legal (e.g., Gender Marker/Sex Designation, name change on documents). A trans individual may pursue any combination, or none, of these as part of their transition.

**TIP:** *Questions about transitioning are rarely relevant to a proceeding.*

**Two Spirit (2S):** An English term used by some Indigenous people to describe a person's gender identity that includes both male and female spirits.

## For additional information



Visit the Richard C. Failla LGBTQ Commission's website at <https://ww2.nycourts.gov/ip/LGBTQ/index.shtml>

or contact the Commission at [lgbtqcommission@nycourts.gov](mailto:lgbtqcommission@nycourts.gov)



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